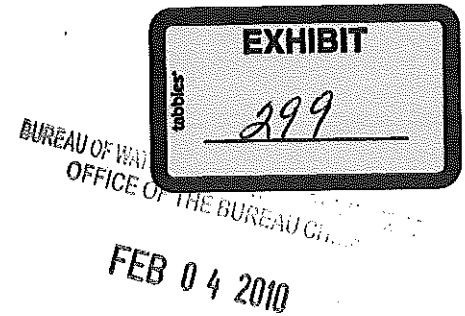




State of Connecticut
HOUSE OF REPRESENTATIVES
STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591



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Paul Stacey
CT DEP Bureau of Water Resources and Land Reuse
79 Elm Street
Hartford CT 06106

Re: Streamflow Regulations
Feb. 4, 2010

Dear Mr. Stacey,
Following is my testimony of January 21, 2010, which was limited to three minutes. I have added expanded comments in italics.

Testimony of Rep. Mary Mushinsky (85th district-Wallingford) in General Support of Streamflow Regulations

I am Rep. Mary Mushinsky, who represents the 85th district in Wallingford. I grew up in Wallingford. In the 1960's, parents warned children to stay away from the Quinnipiac River as it was virtually a cesspool. In recent years, the Clean Water Act and CT DEP regulations have upgraded sewage treatment plants, industrial discharges are reduced and landfills have closed, helping to reduce pollution. The Quinnipiac River now has more biodiversity, including eagles, osprey and river otters, and the public is embracing recreational use. Several municipalities, including Wallingford, are building linear trails along the river and the public is flocking to them. The Quinnipiac River Greenway is now a state designated recreational corridor.

Residents use the tributaries, also, including Muddy River for trout fishing; Wharton Brook for fishing and swimming; and Spruce Brook/Meetinghouse Brook and Muddy River for hiking, with hikes offered by the Land Trust and Conservation Commission in one of the town's largest tracts of open space.

The river and its tributaries have multiple uses for town residents and for the public's water in these streams. Last night (Jan. 20) an interested crowd, more than 75 people, turned out at Wallingford Public Library to hear DEP's presentation and ask questions. There is great interest in these regulations in our area.

The proposed regulations arise from Public Act 05-142. I worked on the legislation as one of the sponsors and debated it on the House floor. The legislation's purpose is to address streamflow in a uniform way after the Shepaug River court case. I reiterated the purpose was not to overturn the Diversion Law of 1982, but to start doing a better job of managing water resources, as we cannot ignore the stresses in the system. I was not asked in debate, but can confirm that we always intended to include groundwater in regulations, as any geologist, hydrologist or 5th grader will tell you surface water and groundwater are intimately linked. Heavy drawdown of groundwater through wells does deplete river flow—it is all one hydrologic system.

I can also confirm the legislature did not say DEP could write off any river or stream by means of a Class 4. The existence of Class 4, a class without any minimal protection is not in compliance with this state law. DEP's job is to protect the environment, and to balance the competing uses of rivers and streams per the statutes. I believe we have plentiful water (in most years) with an average 45"/year rainfall. The trick is to manage it with good planning, storage, conservation and sharing. Other state legislators tell me at conferences that we are so lucky to live in New England, where water is plentiful, not like the West where water is fought over with constant lawsuits. So I support regulations to finally bring intelligent management to the state's ample water resource, and anticipate regulations will get us there.

As a representative, I am also sensitive to the difficulties of water companies, including Wallingford's municipal supplier, to adapt to these regulations. The solution is for DEP to extend the compliance timeline for water companies (particularly those systems with heavy reliance on groundwater) to give them time to adjust to the new requirements.

Additional comments

These regulations are the first real effort to deal with competing water needs in Connecticut in decades—they must not fail, or we will be condemned to allocate water in a piecemeal fashion, with increasing lawsuits and death of streams the end result. In a 2008 Office of Policy and Management (OPM) report, Managing Water in Connecticut, implementing Sec. 3 of PA-07-4 of the June Special Session, OPM noted:

Completion of the Department of Environmental Protection's (DEP) minimum streamflow regulations is a critical component of the state's water resource management. Not only can the regulations offer better protection for some of the state's most sensitive streams, but they will also add a sense of certainty to the water allocation process. Beyond the direct impact of the regulations, the process of developing the regulations is providing the state with additional information on, and different perspectives about, water resources. Both the regulations

themselves and the process of developing them will help identify the additional water data that are needed for effective water resources planning.

OPM also noted the long history of failed state efforts to manage water, and addressed the problem of coordination between DEP, DPH, and DPUC:

OPM believes a significant part of the perceived coordination problem results in large part from uncertainties regarding stream flow requirements. To counter this, the new workgroup (of the Water Planning Council) should identify inefficiencies that would not be resolved by completion of the minimum streamflow regulations. To address this problem, the workgroup might consider procedures such as those promoted by the Department of Labor's LEAN Government Services to identify and correct inefficient systems.

I agree with OPM that additional work to address interagency coordination on water resources is needed by the Water Planning Council, but this work should be in addition to streamflow regulations, not in lieu of these regulations, which are designed to protect the natural resource of rivers and streams.

Mary Mushinsky
Mary Mushinsky
State Rep. 85th district